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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/786,896

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EXAMINER

BADR, HAMID R

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/786,896	Applicant(s) LIU ET AL.	
	Examiner HAMID R. BADR	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/24/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. In the above claims the words or phrases: "waterish", "knitting", "itenerating reagent", "smash pieces", "grainy animal peltry molding", "shares", "dry grainy", "glutin", "emending color reagent", "true color waterish animal peltry" and "homemade sucrose" are ambiguous and consequently make the claims indefinite. It is unclear what the applicant means by, for instance, "waterish" or the word "glutin" is ambiguous since it could either mean gluten, being of plant origin, or gelatin being of animal origin.

4. The examiner is taking the position to interpret "waterish" as wet, "itenerating reagent" as a softening reagent such as a tenderizer or a proteolytic enzyme, "smash pieces" as shredded pieces, "shares" as parts, "glutin" as wheat gluten, "emending agent" as bleaching agent.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Fisher (US 4,364,925) in view of Mohilef (US 5,149,550) and Spanier (US 4,997,671)

7. Fisher discloses a product containing animal food and structure-supporting fibers in fibrous form and remaining in its compacted, shaped, and molded form (Abstract).

8. He teaches mixing the food components having low moisture and molding the mixture into desired size and shape (Col. 2, lines 4-6). The shape of the food may be a bone, a ball, a ring, an animal, a stick or any other imaginative shape (Col. 2, lines 11-14).

9. He discusses controlling the hardness of the pet food by controlling the amount of fiber incorporated into the formulation, the length, shape, and width of the fibers, the presence or absence of the binding material, the pressure employed in compacting and the number of layers which are put together (Col. 2, lines 20-29). It is obvious to optimize the length, shape, and width of fibers and use a binding material to agglutinate the materials together upon application of pressure in a mold.

10. He teaches building up laminations of pet food to yield an extra hard chew resistant product (Col. 2, lines 59-65).

11. He discloses the suitable sources of animal fibers derived from animal tissue for example from the skin, muscles, intestines, tendons, cowhide, rawhide etc which can be cut, chipped, ground, shredded, beaten etc. and be incorporated into the molded food to enhance its unit integrity (Col. 4, lines 56-68). In animal hide, collagen includes other

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fibrous proteins such as elastin, and reticulin (Col. 5, lines 5-10). It is clear that the broad disclosure of molding in Fischer would intrinsically include molding steps as presently claimed.

12. He teaches breaking the fiber bundles by cutting, chopping, shredding, shearing and then realigning these fibers to form fiber interlocks (Col. 5, lines 14-16). It is obvious to optimize the processes by varying the length and thickness of fibrous material to make it suitable for the final product.

13. He suggests using other protein sources such as soy protein, egg white, wheat gluten which can be converted to simulated fiber of natural beef (Col. 5, lines 46-49).

14. He teaches liming the hides, fleshing, washing and adjusting to optimum pH and the hide is then comminuted in a machine with openings of different diameters (Col. 6, lines 53-58).

15. Fisher states that in addition to undigested collagen fibers, digested or partially digested fibers may be incorporated. Cowhide may be treated with a proteolytic enzyme such as papain or pepsin in dilute acidic solutions (Col. 6, lines 59-65). Additionally, completely digested cowhide in the form of hide binder or gelatin, partially digested cowhides such as swollen collagen and undigested cowhides may be incorporated into the pet food (Col. 7, lines 1-5).

16. Fisher is silent on defatting the skin or hide.

17. Mohilef discloses methods for making pet chews where the ligaments from cattle or other animals are defatted and dried to be used for pet food. (Abstract).

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18. He teaches removing the appended fat from animal tissues by either using an aqueous solution of by heat treatment of the tissues (Col. 2, lines 30-37).

19. He teaches using strong alkaline solutions such as sodium or potassium hydroxide to which other cleaning agents such as detergents, carbonates, phosphates, softening agents have been added. He gives commercial preparations for the purpose of defatting the animal tissues (Col. 3, lines 1-20). Combinations of alkali and cleaning agents are used consisting of 10-90% alkali and 90-10% cleaning agent. Preferred combination is 80% alkali and 20% cleaning agent. (Col. 3, lines 35-40).

20. He teaches placing the ligaments in an industrial tripe washer containing warm water (about 100F). Suitable amounts of alkaline material is added to bring the pH of the solution to pH 13. The ligaments are then "washed with agitation or tumbling" with the degreasing solution for about 15-20 minutes (Col. 3 line 61 to Col. 4, line 7).

21. He teaches rinsing the defatted material with fresh water to bring the pH back to about pH 7 to make sure that the degreasing solution has been rinsed away (Col. 4, lines 9-17).

22. Mohilef teaches the drying of the treated animal material at 140-150F using circulating air. The drying process may take 48-72 hours (Col. 4, lines 27-33).

23. As an example 750 pounds cattle ligaments is mixed with 160 gallons of warm water (100F) to which 15 pounds of sodium hydroxide is added causing the pH to jump to 13.1. The ligaments are washed for about 15 minutes. The ligaments are then washed with fresh water to bring the pH back to 7.0. (Col. 4, Example 1).

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24. Fisher and Mohilef are both silent with respect to the use of hydrogen peroxide, using second and/or deeper layer of the animal peltry, sun drying, and binding agents such as rice and tapioca.

25. It is well known that hydrogen peroxide can be used for bleaching proteinaceous materials such as hair. Commercial Hydrogen peroxide solutions have a concentration of 30% which can be diluted with water to give a 15% solution of hydrogen peroxide used in the instant application.

26. With regard to using the second and/or deeper layer of animal peltry, it is obvious to segregate the layers composing the skin (delaminating), it is also obvious that the teachings of the references cited above applicable to the whole animal hide will be applicable to inner layers of the hide.

27. It is also obvious to reduce the water content of the hide by dripping the water or shaking the water off and additionally to be able to fit it into a mold of a definite size, one needs to cut the hide into pieces.

28. Sun drying of animal hide is well known in the industry. It is obvious to soak (re-hydrate) dried skin to be able to mold it since a dry material will not assume the shape of a mold.

29. With regard to the itenerating-reagent of claim 7, the examiner is taking the position of interpreting such agent as a proteolytic enzymes used for softening the hides as addressed by Fisher. Use of meat tenderizers such as papain, pepsin, trypsin and the like are well know in the industry. It is obvious to use these softening agents in

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accordance with the known procedures in the industry or the manufacturer's method of use.

30. Spanier discloses using starches such as corn starch, wheat starch, rice starch (Col. 5, lines 57-66) and root starches such as potato, cassava and tapioca (Col. 6, lines 42-46) in the dog snacks. Starches are used as textural agent to produce products that is not tough or stringy.

31. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the teachings of Fisher by adopting and using the teachings of Mohilef to make a pet product using defatted pig hide or cow hide and the teachings of Spanier to include tapioca. One would have done so to benefit from a product from hides. Absent any evidence to contrary and based on the combined teachings of the cited references, there would have been a reasonable expectation of success in making such a product for pets.

32. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher and Mohilef as applied to claims 1-16, further in view of Kerres (US 4,270,464) and Isenberg (US 4,029,004).

33. Fisher and Mohilef are silent with respect to smoking.

34. Kerres discloses details of a smoke generator and method for smoking food products such as meat, sausage and fish using sawdust (Abstract). The smoker produces product with outstanding smell and taste and excellent uniformity of color.

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35. Kerres teaches how to generate smoke using sawdust in a chamber which includes sawdust feeding device, heating means to ignite the sawdust, means for supplying fresh air into the smoke generating chamber and duct means for exhausting the smoke produced in the chamber and for feeding the smoke to a smokehouse (Col. 1, lines 45-62).

36. Kerres is silent regarding the racks for holding the materials to be smoked.

37. Isenberg discloses an improved rack used for smoking meat (Abstract).

38. His rack comprises a frame, spring like brackets on said frame for supporting shelves, pan means on said frame to collect draining liquids from meat (Abstract).

39. He discloses the features of the rack in the form of a trolley having a support bracket having inverted J-shaped arms, journaling wheels which roll on rail (Col. 2, line 37-col.3, line 50)

40. It is also known that sucrose may be burned to generate smoke for flavoring purposes. The well known Chinese process for tea smoke employs sucrose as one of the component. The proportions of the well known Chinese tea smoke incorporating sucrose (table sugar) are also known.

41. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the teachings of Fisher and Mohilef by using and adopting the teachings of Kerres and using the rack features of Isenberg to make a smoke stove of the instant application for smoking the pet product. Absent any evidence to contrary and based on the teachings of the cited references, there would have been a reasonable expectation of success in designing such a smoking stove.

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42. Claims 24-26 are rejected under 35 U.S.C. 103(a) being unpatentable over Kerres (US 4,270,464) in view of Isenberg (US 4,029,004).

43. Kerres discloses details of a smoke generator and method for smoking food products such as meat, sausage and fish using sawdust (Abstract).

44. Kerres teaches how to generate smoke using sawdust in a chamber which includes sawdust feeding device, heating means to ignite the sawdust, means for supplying fresh air into the smoke generating chamber and duct means for exhausting the smoke produced in the chamber and for feeding the smoke to a smokehouse (Col. 1, lines 45-62).

45. It is obvious to design a smoker cabinet resembling what is disclosed by the cited reference by any dimensions that may be desired.

46. Kerres is silent regarding the racks for holding the materials to be smoked.

47. Isenberg discloses an improved rack used for smoking meat (Abstract).

48. His rack comprises a frame, spring like brackets on said frame for supporting shelves, pan means on said frame to collect draining liquids from meat (Abstract).

49. He discloses the features of the rack in the form of a trolley having a support bracket having inverted J-shaped arms, journaling wheels which roll on rail (Col. 2, line 37-col.3, line 50)

50. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the teachings of Kerres and using the rack features of Isenberg to make a smoke stove of the instant application for smoking the pet product. Absent any evidence to contrary and based on the teachings of the cited references,

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there would have been a reasonable expectation of success in designing such a smoking stove.

51. Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan (US 3,665,735).

52. Brennan discloses a method and apparatus of the bulk process of hides or similar sheet materials which are processed in a liquid bath contained within a drum mounted for rotation about an axis. The drum includes inlet and outlet for materials. The drum provides liquid supply means for various chemicals required for different processes. The spirals fins are affixed to the inner wall of the drum and extending radially inward for working and mixing purposes. The drum can rotate in two directions (Abstract).

53. The drum is mounted for rotation about an axis inclined from the horizontal and supported on rear and front supports. The normal angle of inclination is 16° which can be varied by hydraulic hoist means (Col. 4, lines 20-25).

54. It is obvious that the design disclosed by Brennan has dimensions such as length, width, shaft diameter, drum diameter, motor power etc. Numerous variations and modifications of those dimension are possible. Rotation speed of a drum washer is a parameter which can be manipulated for the application. It is obvious to optimize the rotation speed which will be a variation of a parameter already known to Brennan.

55. It would have been obvious to one of ordinary skill in the art, at the time the rejection was made, to modify the teachings of Brennan to design a rotating drum for

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the same purpose of processing animal hide. Absent any evidence to contrary and based on the teachings of the cited reference, there would have been a reasonable expectation of success to make a rotating drum for the washing and processing of animal hide.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAMID R. BADR whose telephone number is (571)270-3455. The examiner can normally be reached on M-T 5:00 to 3:30 (Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on (571) 272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hamid R Badr
Examiner
Art Unit 1794

/Callie E. Shosho/
Supervisory Patent Examiner, Art Unit 1794